

## PATENT COOPERATION TREATY

06 MAY 2005

From the INTERNATIONAL SEARCHING AUTHORITY

To:

Davies Collison Cave  
PO Box 2219  
MILTON BUSINESS CENTRE QLD 4064

## PCT

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT  
OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing 28 JAN 2004  
(day/month/year)

Applicant's or agent's file reference  
12178192/VPA/sjp

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.  
PCT/AU2003/001487

International filing date  
10 November 2003

Applicant

THE UNIVERSITY OF QUEENSLAND et al

1. ☒ The applicant is hereby notified that the international search report has been established and is transmitted herewith.  

**Filing of amendments and statement under Article 19:**  
The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

**Where?** Directly to the International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland  
Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.
2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.
3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
  - ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
  - ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.
4. **Reminders**  

Shortly after 18 months from the priority date, the international application will be published by the International Bureau.  
If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.  
See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/AU

AUSTRALIAN PATENT OFFICE  
PO BOX 200, WODEN ACT 2606, AUSTRALIA  
E-mail address: pct@ipaustalia.gov.au  
Facsimile No. (02) 6285 3929

Authorized officer

DAVID OLDE

Telephone No. (02) 6283 2569

BEST AVAILABLE COPY

(See notes on accompanying sheet)

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT RECEIVED 30 JAN 2004

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 12178192/VPA/sjp	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/AU2003/001487	International filing date (day/month/year) 10 November 2003	(Earliest) Priority Date (day/month/year) 8 November 2002
Applicant THE UNIVERSITY OF QUEENSLAND et al		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

## Basis of the report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
- b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:
  - ☐ contained in the international application in written form.
  - ☐ filed together with the international application in computer readable form.
  - ☐ furnished subsequently to this Authority in written form.
  - ☐ furnished subsequently to this Authority in computer readable form.
  - ☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
  - ☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.
2. ☐ Certain claims were found unsearchable (See Box I).
3. ☐ Unity of invention is lacking (See Box II).
4. With regard to the title,
  - ☐ the text is approved as submitted by the applicant.
  - ☒ the text has been established by this Authority to read as follows:  
**A method for optimising gene expression using synonymous codon optimisation**
5. With regard to the abstract,
  - ☒ the text is approved as submitted by the applicant
  - ☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.
6. The figure of the drawings to be published with the abstract is Figure No.
  - ☐ as suggested by the applicant.
  - ☐ because the applicant failed to suggest a figure
  - ☐ because this figure better characterizes the invention
  - ☒ None of the figures

BEST AVAILABLE COPY

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/AU2003/001487

## A. CLASSIFICATION OF SUBJECT MATTER

Int. Cl. C12N 15/11 C12N 15/12 C12N 15/29 C12N 15/66 C12Q 1/68

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

SEE ELECTRONIC DATABASES

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

SEE ELECTRONIC DATABASES

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

MEDLINE, CAPLUS, WPIDS, BIOSIS (reporter, tandem repeat, codon, translat?)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 2000042215 A (THE UNIVERSITY OF QUEENSLAND) 20 July 2000 See whole document.	1-5, 11-38
X	WO 2000042190 A (THE UNIVERSITY OF QUEENSLAND) 20 July 2000 See whole document	1-5, 11-38
A	WO 1999002694 A (THE UNIVERSITY OF QUEENSLAND) 21 January 1999 See whole document	1-38

☒ Further documents are listed in the continuation of Box C☒ See patent family annex

- \* Special categories of cited documents:
- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier application or patent but published on or after the international filing date
- "I" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- "&" document member of the same patent family

Date of the actual completion of the international search  
23 January 2004Date of mailing of the international search report  
28 JAN 2004Name and mailing address of the ISA/AU  
AUSTRALIAN PATENT OFFICE  
PO BOX 200, WODEN ACT 2606, AUSTRALIA  
E-mail address: pct@ipaustalia.gov.au  
Facsimile No. (02) 6285 3929

Authorized officer

DAVID OLDE

Telephone No : (02) 6283 2569

BEST AVAILABLE COPY

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU2003/001487

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	Kawakami, K. <i>et al.</i> 2001. Different lengths of a polymorphic repeat sequence in the thymidylate synthase gene affect translational efficiency but not its gene expression. <i>Clinical Cancer Research</i> . 7:4096-4101. See whole document	1-38
A	Stenström, C.M. <i>et al.</i> 2002. Influences on translation initiation and early elongation by the messenger RNA region flanking the initiation codon at the 3' side. <i>Gene</i> . 288:1-8. See whole document	1-38

BEST AVAILABLE COPY

## INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/AU2003/001487

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report		Patent Family Member			
WO 1999002694	AU	24235/00	AU	81999/98	CA 2357804
	EP	1002091	EP	1141383	US 6489141
	US	2003031999	US	2003175907	US 2003182674
	WO	0042215			
WO 2000042215	AU	24235/00	AU	81999/98	CA 2357804
	EP	1002091	EP	1141383	US 6489141
	US	2003031999	US	2003175907	US 2003182674
	WO	9902694			
WO 2000042190	AU	24234/00	CA	2359396	EP 1141302
	US	2002157135	AU	24235/00	AU 81999/98
	CA	2357804	EP	1002091	EP 1141383
	US	6489141	US	2003031999	US 2003175907
	US	2003182674	WO	0042215	WO 9902694
END OF ANNEX					